

Notice of Allowability

Application No.

09/822,103

Examiner

CUONG H. NGUYEN

Applicant(s)

BATES ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/01/06 (the interview).
2. ☒ The allowed claim(s) is/are 1-10,23; claim 23 is renumbered as claim 11. Formal drawings are accepted..
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/01/06.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the interview on 8/01/2006.

Status of the claims

2. Claims 1-10, and 23 are pending according to the communication on 5/23/06.

Drawings

3. Formal drawings received on 3/30/2001 are acceptable by the examiner.

Examiner's amendment:

4. The authorization for this amendment was given by Ms. Janyce R. Mitchell.
(Register # 40,095) on 7/18/2006. Should the changes be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been agreed to amend as follows:

- Claim 1, line 5, insert – automatically – right before “learning whether”.
- Claim 1, line 10, insert – automatically – right before “adjusting a shift”.
- Claim 2, line 5, insert – automatically – right before “learning whether”.
- Claim 2, line 7, insert – automatically – right before “adjusting a shift”.
- Claim 4, line 5, insert – automatically – right before “learning whether”.
- Claim 4, line 11, insert – automatically – right before “adjusting a shift”.
- Claim 23, line 5, insert – automatically – right before “learning whether”.
- Claim 23, line 10, insert – automatically – right before “adjusting a shift”.

Allowable Subject Matter & Reasons for Allowance

5. Independent claims 1-2, 4, and 23 are patentable over closest references of Urahashi (US Pat. 6,009,374) in view of Shuler et al (US Pat. 6,442,467) because they

are not obvious to one of ordinary skill in the art to teach a method for controlling an automatic transmission, besides other limitations, comprising a feature of:

- automatically learning whether performance of the automatic transmission is improvable utilizing the position data from a global positioning satellite, and the vehicle's transmission data; then automatically adjusting a shift threshold for that automatic transmission data within a particular amount of time.

This pending invention is not obvious from combining above references to teach or suggest that a known load increases by a certain amount within a certain time. The pending claims recite a specific criterion for determining whether the performance of the transmission is improvable. This specific criterion is a rate of change of the load (an increase of at least a certain amount within a certain time) that exceeds some thresholds (i.e., a particular amount over a particular time).

6. Dependent claims 3, and 5-10 are allowed because they are dependent on independent claim 1.


Conclusion

7. Claims 1-10, and 23 are patentable; claim 23 is renumbered as claim 11.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Serial No. 09/822,103
Art Unit 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661